

DUNCAN J. MCNEIL, III
2030 W. SPOFFORD
RECEIVED 98205

MO: FJA-D04
DATE: 5/5/06
FJ- KAT-02

MAY 16 2006

U. S. DISTRICT COURT

DISTRICT OF DECEMBER

DUNCAN J. MCNEIL, III
INDIGENT DISABLED

"UNLAWFULLY INCARCERATED
"CIVIL DETAINEE", PLAINTIFF,
APPELLANT AND
JUDGMENT CREDITOR

v.

UNITED STATES ET AL.
DEFENDANTS, APPELLEES
AND JUDGMENT DEBTORS

CASE NO: 05-CV-574
06-CV-178
06-MC-041

AMMENDED NOTICE
OF APPEAL & ITP
APPLICATION ON ADDRESS
(SEE PGS 26 OF 43 TO
40 OF 43 ATTACHED) AND
INCORPORATING PLRA
MOTION FILED 12/5/05 IN
USCA, PGS 10 OF 50 TO
50 OF 50

THE UNDERSIGNED INDIGENT DISABLED
UNLAWFULLY INCARCERATED "CIVIL DETAINEE"
PLAINTIFF AND APPELLANT AND JUDGMENT
CREDITOR, HEREBY AMENDS AND SUPPLEMENTS
HIS PRIOR NOTICE(S) OF APPEAL FILED IN THIS
MATTER TO INCLUDE THE APPEAL ~~REVIEW~~
REVIEW AND REVERSAL OF THE ORDER

ENTERED IN THIS MATTER DATED ^{LETTER DECISION} OF 4/27/06
REFLECTING & DENYING ATTACHED PLADING FILED 4/20/06

I HEREBY CERTIFY UNDER THE PENALTY
OF PERJURY THAT THIS AMMENDED NOTICE
OF APPEAL WAS FILED/MAILED ON
5/5/06 BY PLACING IT INTO THE
OUTGOING INDIGENT MAIL AT SCT FLR 26.

DATED: 5/5/06

PG 10 OF 43 *[Signature]*
APPELLANT

U.S. DISTRICT COURT

U.S. COURT OF APPEALS
FOR THE

NO:

DATE: 4/13/06

F.J.

DISTRICT OF DELAWARE

IN RE KAHLER ALUM. CORP. 02-10429
APPEAL NO:

FILED

APPELLANT'S EX PARTE MOTION FOR
RELEIF FROM/RECONSIDERATION OF
~~THESE ORDER(S) OR 3/19/06 & 4/1/06~~
MOTION FOR ACCESS TO THE COURT(S)

APPELLANT DE MIG SWORN UPON OATH HEREBY DECLARED:
THAT SINCE 1/3/01/04 I HAVE BEEN SUFFERING AN
ONGOING AND CONTINUOUS "BOUNDS VIOLATION" OF A TOTAL AND
COMPLETE DENIAL OF ADEQUATE AND MEANINGFUL ACCESS
TO LEGAL ASSISTANCE AND ACCESS TO THE JAIL LIBRARY/CD/DVD, PENS, PAPER, ENVELOPES AND OTHER
RESOURCES AND ASSISTANCE, RESULTING IN ACTUAL INJURY
OF THE INABILITY TO COMPLY WITH THE COURT'S RULES
AND PROCEDURES. PURSUANT TO FRAP ~~§2.59(b)~~ AND THE
APPLICABLE ~~§2.59~~ RULES I HEREBY SEEK RELIEF FROM
THE ~~CLERK'S ORDER(S)/NOTICE(S)~~ AND A WAIVER OR
SUSPENSION OF THE COURT'S RULES, ~~BY THE CLERK~~, UNTIL
SUCH TIME AS THE COURT ENFORCES MY 1ST AMEND. RIGHTS
OF ACCESS, BY ISSUANCE OF AN ADMINISTRATIVE ORDER
TO MY INSTITUTE OF INCARCERATION COMPETING THE
GRANTING OF THE "ASSISTANCE" AND "ACCESS" AS ESTABLISHED
IN BOUNDS V. SMITH, 430 U.S. 817 (1977) AND OTHER RELATED
AUTHORITY. I FURTHER SEEK RELIEF FROM THE CLERK'S
ORDER(S)/NOTICE(S) AS THEY VIOLATE MY FUNDAMENTAL
CONSTITUTIONAL RIGHTS FOR AT LEAST THE FOLLOWING
REASONS: (1) THE CLERK HAS ERRONEOUSLY MADE A
SUA SIGNAUTE "3-STRIKE" FINDING OR DETERMINATION WITH
THE ISSUE IS NOT PROPERLY BEFORE THE COURT, SEE
DELEON V. DOE 361 F.3d 93, AT 95 (2ND CIR. 2004); (2) THE
CLERK HAS ERRONEOUSLY COUNTED AS "STRIKES" CLAIMED
DISMISSELS THAT ARE MATTERS THAT ARE STILL PENDING
BEFORE THE USDC OR FOR WHICH A TIMELY NFA WAS FILED
AND THE RIGHT TO APPEAL IS NOT EXHAUSTED, SEE
CANELLO V. LIGHTNER, 143 F.3d 1210 (9TH CIR. 1998); (3) THE
CLERK'S ORDER(S)/NOTICE(S) DISPRIVE THE APPELLANT OF A
FUNDAMENTAL CONSTITUTIONAL RIGHT OF ACCESS, IN THIS
APPEAL, WHO NOTICE OR OPPORTUNITY TO BE HEARD;
~~CAUSING IRREPARABLE INJURY AND WARRANTED~~
IMMEDIATE RELIEF BY THE COURT, SEE WALTERS
V. THOMPSON, 615 F. SUPP. 330, AT 341 (N.D. ILL 1985).
ACCORDINGLY APPELLANT SEEKS RECONSIDERATION AND RELIEF
FROM THE CLERK'S ORDER(S)/NOTICE(S), FOR A WAIVER OR
SUSPENSION OF RULES, TO ALLOW ALL ISSUES TO BE
DETERMINED ON THE MERITS; FOR AN ADMINISTRATIVE
ORDER COMPETING APPELLANT'S "ASSISTANCE" AND "ACCESS"
AT THE MAX. STANDARD ESTABLISHED IN BOUNDS, ID, FOR
\$ 1026 & \$ 1657 IN ORDER TO AVOID FURTHER IRREPARABLE
INJURY AND A MAJORIST/INJUSTICE.

PL-1 ~~APR 10 2006~~ PC 2 OF 4B

THE DECISIVE
THE PENALTY OF THE
PERIODIC
THE RECORDS TO THE
was made on
the day before
COURT

THE "3-STRIKE" FINDINGS AND ORDERS MUST BE VACATED IN THAT THE APPELLANT WAS GIVEN NO OPPORTUNITY TO DISPUTE THE CLAIMED STRIKES, SEE EVANS v. ILL. D.O.C., 150 F.3d 810, AT 8142 (7TH CIR 1998) AND ANDREWS v. KING, 398 F.3d 1113, AT 1120. THE U.S. HAS NOT PRESENTED ANY EVIDENCE OF PRIOR DISMISALS TO ESTABLISH A PRIMA ^{FACIA} CASE OF IPP DISQUALIFICATION, UNDER §1915(g). AS AN INDIGENT PRISONER I CAN NOT MAINTAIN FILES OR RECORDS FOR EACH PRIOR ACTION, AS MY LEGAL FILES AND RECORDS ARE ROUTINELY SEARCHED, SEIZED AND NOT RETURNED. I HAVE NO ACCESS TO PACER, I CAN NOT VISIT THE CLERK'S OFFICES OR CALL THEM ALL OF MY REQUESTS FOR RECORDS HAVE BEEN SUMMARILY DENIED, AND AS I AM INDIGENT I HAVE NO ABILITY TO HIRE A COURT FILING SERVICE TO OBTAIN RECORDS FOR ME. MY OPPONING LITIGANTS HAVE READY AND IMMEDIATE ACCESS TO ALL COURT RECORDS, BUT HAVE NOT PRODUCED OR PRODUCED ANY. FURTHER, THE ISSUE OF "3-STRIKES" IS NOT PROPERLY BEFORE THE COURT BY WAY OF A NOTICED MOTION BY THE OPPONING LITIGANT, SEE DE LEON, 361 F.3d AT 95, REVERING THE CLERK'S "3-STRIKE" ORDERS TO BE VOID FOR A LACK OF DUE PROCESS. THE BURDEN INITIALLY IS NOT ON THE APPELLANT, SEE ANDREWS, 398 F.3d AT 1126. ONLY AFTER THE OPPONING LITIGANT PROVIDES 3 SPECIFIC CITATIONS TO POTENTIAL STORIES W/ SUPPORTING, ADMISSABLE EVIDENCE, DOES THE BURDEN SHIFT TO THE APPELLANT, SEE EVANS, 150 F.3d AT 8142 AND ANDREWS, 398 F.3d AT 1120, ^{fn15}. BY PLEADING #A, FILED/DATED 12/15/05 (PLA MOTION) APPELLANT HAS ESTABLISHED BY ADMISSABLE EVIDENCE, UNCONTROVERTED AT TIME, OF A PRIMA FACIA CASE OF NO COUNTABLE STRIKES. FURTHER AS THIS APPEAL RELATES TO FUNDAMENTAL CONSTITUTIONAL RIGHTS, LOSS OF LIBERTY & RETaliATORY TERMINATION OF PARENTAL RIGHTS, A FREE WALKER IS MANDATORY, SEE MLB. v. S.L.T., 519 U.S. 102 (1996) AND BODDIE v. CONNECTICUT, 401 U.S. 371 (1971).

APPELLANT IN CASE NOS. 05-CV-574 AND 06-CV-178, HEREBY SEEKS RELIEF FROM THE COURT'S ORDER OF DISMISSAL IN 05-CV-574 AND THE 3/29/06 AND 4/3/06 ORDERS IN CASE NO. 06-MC-041, AND 06-CV-178, AND SEEKS CONSIDERATION OF CASES 05-CV-574 AND 06-CV-178, AND APPELLANT HEREBY ASSERTS A COLLATERAL ATTACK ON THE "STRIKE" AND "3-STRIKE" WHICH FORM THE BASIS FOR THIS COURT'S DENIAL OF IFP STATUS PURSUANT TO § 1715(g).

APPELLANT HEREBY SEEKS AN EXTENSION OF TIME, 20 OR 30 DAYS, ALONG WITH AN ADMINISTRATIVE ORDER GRANTING APPELLANT THE NECESSARY ACCESS TO THE JAIL LAW LIBRARY, COPIER, PENS, PAPER ENVELOPES, AND OTHER LEGAL RESOURCES AS NECESSARY FOR APPELLANT TO PRESENT HIS CLAIMS,

TO THIS COURT. IN SUPPORT
OF THE MOTION FOR AN EXTENSION
OF TIME AND FOR AN ADMINISTRATIVE
ORDER FOR ACCESS TO THE COURT,
APPELLANT CERTIFIES THE FOLLOWING
CLAIMS.

THAT THE "STRIKE" AND "3-STRIKE"
ORDERS RELIED UPON BY THIS COURT
ARE "VOID" AND SUBJECT TO A
COLLATERAL ATTACK IN THESE ACTIONS
FOR EACH OF THE FOLLOWING REASONS:

1. IN THE UNRELATED ACTIONS WHERE
THE "STRIKE" AND "3-STRIKES" ORDERS
AROSE, APPELLANT HAS MULTIPLE
FUNDAMENTAL INTERESTS AT STAKE,
WHICH MANDATE THE GRANTING OF TPD,
WAIVER OR FEES AND COSTS, AS
THE APPELLANT, BY THE ACTIONS THE
"STRIKE" AND "3-STRIKE" ORDERS
AROSE IN, SEEKS TO: (1) CHALLENGE
A "VOID" DIVORCE DECREE⁽¹⁾ (SEE
BODDIE V. CONNECTICUT, 401 U.S., 371, AT 374
(1971)); (2) CHALLENGE A "VOID" PERMANENT
RESTRAINING ORDER, PERMANENTLY
APPELLANT'S PARENTAL RIGHTS⁽²⁾ (SEE

⁽¹⁾ SEE EX-2, (PG 40 OF 40) ITEM "U" "SEPARATION CONTRACT"
AND PG 26. OF 40 (6), PROVIDING FOR ENFORCEMENT
THESE AS A JUDGMENT PG 40 OF 40 BY THIS COURT.
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M.L.B. v. SL.J. 519 U.S. 102 (1996);
AND ③ THE TAKING OF APPELLANT'S
"LIBERTY" BY "VOID" ORDERS, PERTAINING
TO ENFORCE THE TERMINATION OF APPELLANT'S
PARENTAL RIGHTS (SEE MAYER V. CHICAGO
404 U.S. (1971)).

2. THE "STRIKE" AND "3-STRIKE" ORDERS
WERE ENTERED IN VIOLATION OF THE
REIMPOSED AUTOMATIC STAY (11 USC § 362)
AND THE DISCHARGE AND DISCHARGE
INJUNCTION, ESTABLISHED BY THE
"FOREIGN JUDGMENTS", (SEE EX. 2, ¶¶ 165 39 OF 40
AND 40 OF 40, ITEMS b, d, h, i, j, k, l, ETC);

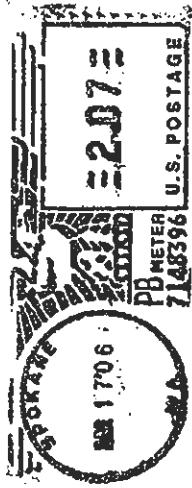
3. THE APPELLANT HAS A "VESTED
RIGHT", IN HIS MONEY JUGEMENT AGAINST
THE DEBTOR (KAISER), ESTABLISHED BY THE
Kaiser's CONFIRMED PLAN, ALLOWING APPELLANT'S
CLAIM # 736, IN CASE NO. 02-10429, WHICH
IS PROTECTED BY THE DUE PROCESS PROTECTIONS
OF THE 5TH & 14TH AMEND, (SEE ANDREE

v. COUNTY OF NASSAU, 311 F. SUPP. 2d 325, AT
335, HEADNOTE [15] (E.D.N.Y. 2004), ~~RENTAMIN~~ vs
JACOBSON, 124 F.3d 162, AT 176 (2d Cir. 1997)
AND County of SUFFOLK v. LONG ISLAND LIGHTING CO.,
14 F. SUPP. 2d 260, AT 265, HEADNOTE [2] (E.D. NY.
1998).

I CERTIFY THAT THIS MOTION/PLEADING
WAS MAILED/SENDED ON 4/13/06 BY PLACING IT
INTO THE OUTGOING INSURANT MAIL OFFICE
4/13/06

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JUL 24 2004 *re*

Duncan T. McNeel
Spokane Co. Jail
1100 W. Marion
Spokane, WA 99260

Clerk
U.S. District Court
844 King Street
Lock Box 18
Williams, DE 19801-
3570

A.V.A.
MS.

Local Mail

100 ~~100~~ 70743

IFP MOTION (SOUPPLEMENTAL)
 AND

COLLATERAL ATTACK ON "STRIKE" ORDERS

THE JUDGMENT CREDITOR HEREBY MAKES A COLLATERAL ATTACK ON ALL ① VEXATIOUS LITIGANT ORDERS; ② PRE-FILING ORDERS OR ORDERS RESTRICTING ACCESS TO THE COURTS; ③ SUA SPONTE DISMISSAL ORDERS DECLARING A "STRIKE"; AND ④ SUA SPONTE "3-STRIKE" DISMISSAL

ORDERED OR STRUCK-OFF ORDERS

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~~U.S. DISTRICT COURT
DISTRICT OF DELAWARE~~ THE JUDGMENT CREDITOR HAS PLAGUED THE VICTIM ON NUMEROUS NON-JUDICIAL ACTS, IN A CLEAR ABSENCE OF ALL JURISDICTION OR CONTRARY TO ESTABLISHED STATUTE OR CASE LAW AUTHORITY, RESULTING IN THE UNLAWFUL ISSUANCE OF: ① "VEXATIOUS LITIGANT" ORDERS; ② PRE-FILING ORDERS AND/OR ORDERS RESTRICTING ACCESS TO THE COURTS; ③ SUA SPONTE DISMISSAL ORDERS, DECLARING A "STRIKE" UNDER 28 USC § 1915; AND/OR ④ SUA SPONTE "3-STRIKE" DISMISSAL ORDERS, OR "STRUCK-OFF" ORDERS, PURSUANT TO 28 USC § 1915(g). ALL SUCH ORDERS ARE HEREINAFTER REFERRED TO AS "DENIAL OF ACCESS ORDERS", OR "DOA ORDERS". ALL SUCH "DOA ORDERS" ARE HEREBY COLLATERALLY ATTACKED BY THIS MOTION/PETITION/ACTION, ARE

① INCLUDING, BUT NOT LIMITED TO, DOCUMENT CREDITOR'S VARIOUS ATTEMPTS TO OBTAIN CREDITORS' LIBERTY PROSECUTOR OR RESTRAINER OR CLOUDING HIS PERPETUAL PLUTOS, INC. AND WASH.

1.01 (cont). HEREBY DECLARED TO BE
"VOID AB INITIO" ORDERS OF NO FORCE
AND EFFECT, AND A LEGAL NULLITY.

1.02 ALL SUCH "DOA ORDERS"
WERE ENTERED IN VIOLATION OF DUE
PROCESS, W//o NOTICE OR MEANINGFUL
OPPORTUNITY TO BE HEARD ON THE
MERITS; ② "A CLEAR ABSENCE OF ALL
JURISDICTION", BY NON-JUDICIAL ACTS; ③
IN VIOLATION OF THE TERMS OF THE
"FOREIGN JUDGMENTS"^(Ex.2); ④ IN VIOLATION
OF THE REIMPOSED AUTOMATIC STAY (11 U.S.C.
§ 362) ESTABLISHED BY THE "FOREIGN
JUDGMENTS"; ⑤ IN VIOLATION OF
THE DISCHARGE AND DISCHARGE
INSTRUCTION (11 U.S.C. § 524 & 11 U.S.C.
§ 1141) ESTABLISHED BY THE "FOREIGN
JUDGMENTS" (Ex.2); AND/OR ⑥ ~~EXCESS~~
~~OF JUSTICE~~ A NON-JUDICIAL ACT
GRANTING RELIEF IN EXCESS OF
THAT PLED, OR IN EXCESS OF THAT
SPECIFICALLY PRESERVED BY THE
"FOREIGN JUDGMENTS" (Ex.2).

1.03 THE JUDGMENT CREDITOR
HEREBY ASSERTS AS DEFENSES TO
THE "VOID AB INITIO"- "DOA ORDERS", THE
DOCTRINES OF: ① RES JUDICATA; ②
COLLATERAL ESTOPPEL; ③ ISSUE OR
CLAIM PRECLUSION; AND ④ THE DEFENSE

OF ABSOLUTE QUASI-JUDICIAL IMMUNITY,
AND THE JUDGMENT CREDITOR, IN THIS
MOTION/PETITION/ACTION AND COLLATERAL
ATTACK, HEREBY GIVES NOTICE OF
DEFENSE BASED UPON PUBLIC
AUTHORITY, PURSUANT TO FEDERAL
CRIMINAL RULE 12.3, SEE WARDLAW V.
OREGON, 412 U.S. 470, 93 S.Ct. 2208
(1973).

1.04 THE JUDGMENT CREDITOR
HEREBY GIVES NOTICE, AND CERTIFIES
THAT AT ALL TIMES IN REGARD
TO THE "DOA ORDERS", THE
JUDGMENT CREDITOR WAS ACTING AS
COURT APPOINTED FIDUCIARY AND
"ARM-OF-THE-COURT", AS AN "OFFICER
OF THE UNITED STATES"; AS DEFINED
BY 42 U.S.C § 1985(1), APPOINTED
PURSUANT TO 11 U.S.C § 1123(b)(3)(B),
AND AS THE DIRECT AND/OR INDIRECT
TRANSFeree OF, OR SUCCESSOR IN
INTEREST TO THE REORGANIZED
DEBTOR AND THE DEBTOR ESTATE,
AS ESTABLISHED BY 11 U.S.C. §
524(g)(3)(A)(ii), CHARGED WITH AND
COMPELLED BY, FEDERAL COURT ORDER(S)
WITH THE FULL AND COMPLETE
EXECUTION AND ENFORCEMENT OF
THE "FOREIGN JUDGMENTS" (EX.2).

1.05 ACCORDINGLY, THE JUDGMENT CREDITOR, HAS AND CLAIMS COMPLETE AND ABSOLUTE QUASI-JUDICIAL IMMUNITY AS TO ALL SUCH "DOA ORDERS" WHICH PURPORT TO TAKE, ~~RESTRICT~~ OR IMPOSE UPON THE JUDGMENT CREDITOR'S LIBERTY, PROPERTY, PARENTAL RIGHTS, OR OTHER CONSTITUTIONAL OR CIVIL RIGHTS, IN ANY RESPECT.

1.06 THE JUDGMENT CREDITOR HEREBY ASSERTS AND CHARLOTES THAT ALL SUCH "DOA ORDERS" WERE ISSUED AND ENTERED IN NON-JUDICIAL ACTS, UNDERTAKEN IN A POLITICAL AND CRIMINAL CONSPIRACY ^(AS DEFINED BY 42 U.S.C. § 1985) TO INTERFERE WITH, AND IN RETALIATION AND RETRIBUTION FOR THE JUDGMENT CREDITOR HAVING SOUGHT TO EXERCISE HIS CONSTITUTIONAL RIGHT (AND COURT ORDERED OBLIGATION) FOR THE GRANTING OF FULL FAITH & CREDIT TO, AND THE EXECUTION AND ENFORCEMENT OF, THE FOREIGN JUDGMENTS.

1.07 THE APPLICATION OF 28 U.S.C. § 1915(g), AND THE CLAIMED "STRIKE" AND "3-STRIKE" ORDERS REPRESENT AN UNCONSTITUTIONAL INFINGEMENT ON

(07 cont.)

THE JUDGMENT CREDITOR'S FUNDAMENTAL
RIGHT OF ACCESS TO THE COURTS. IN
WILSON v. STANFORD, 148 F.3d 596, AT
605 (6TH CIR 1998), CITING TO PATSY v.
Bd. OF REVENUE OF FLORIDA, 457 U.S. 496,
AT 506-07 (1982) AND HAMPTON v. HORSES',
106 F.3d 1281, AT 1285 (6TH CIR. 1997), IT
WAS HELD THAT AS LONG AS THE
LITIGANT HAD AN "AVAILABLE" JUDICIAL
FORUM, THAT 28 U.S.C. § 1915(j) ~~was~~
AND "STRIKE" AND "3-STRIKE" ORDERS
RESULTING THEREFROM WERE NOT
UNCONSTITUTIONAL. IN THE CASE
OF THE INSTANT JUDGMENT CREDITOR,
THE STATE COURTS (SPOKANE CO. SUPERIOR
COURT, COURT OF APPEALS, DIV III AND
WASHINGTON SUPREME COURT) HAVE
ALL PREVIOUSLY ^{UNLAWFULLY} DENIED THE
JUDGMENT CREDITOR IFP
STATUS, AND HAVE PURPOSERLY
BARRED THE JUDGMENT CREDITOR
FROM SEEKING FULL FAITH & CREDIT
AND THE EXECUTION AND ENFORCE-
MENT OF THE "FOREIGN JUDGMENTS"
IN ANY COURT IN THE STATE OF
WASHINGTON. AT THE TIME THAT
THE ~~FEDERAL~~ ~~JUDGES~~ JUDGMENT
CREDITOR SOUGHT IFP, ACCESS

(0.07 cont.)

TO THE FEDERAL COURTS, AND THE FEDERAL COURTS BEGAN SOA SPONRE ISSUANCE OF "STRIKE" AND "3-STRIKE" ORDERS, ON 11/9/04, THE JUDGMENT CREDITOR HAD ALREADY BEEN DENIED ALL ACCESS TO THE STATE COURTS, (UNLAWFULLY & UNCONSTITUTIONALLY, AND IN VIOLATION OF BCW 7.36.140, SEE SIMPSON V. WHATCOM CO., 147 WASH. 2d 98 (2002)), AND IFP ACCESS TO THE FEDERAL COURTS, WAS THE JUDGMENT CREDITOR'S ONLY REMAINING FORUM. IN LIGHT OF THESE FACTS, AND THE HOLDINGS IN WILSON, PATSY AND HAMPTON, THE APPLICATION OF 28 USC § 1915(9) AND THE SOA SPONRE ISSUANCE OF "STRIKE" AND "3-STRIKE" DISMISSALS, IN NON-JUDICIAL ACTS, ARE UNCONSTITUTIONAL AND CONSTITUTE AN UNCONSTITUTIONAL INFILTRATION ON THE JUDGMENT CREDITOR'S FUNDAMENTAL RIGHT OF ACCESS TO THE COURTS, RENDERING ALL FEDERAL "DOA ORDERS" TO BE "VOID AB INITIO".

1.08 THE VAST MAJORITY OF THE § 1915 "STRIKE" AND "3-STRIKE" SOA DISMISSAL ORDERS WERE ISSUED IN ACTIONS/PETITIONS TO COMPEL OFFICERS OF THE UNITED STATES TO PERFORM

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(1.08 CONT.)

MANDATORY, NON-DECRETIONARY AND MINISTERIAL DUTIES OWED TO THE JUDGMENT CREDITOR, SUCH AS: ① THE RESTORATION OF THE JUDGMENT CREDITOR'S PARENTAL RIGHTS; ② THE GRANTING OF FULL FAITH & CREDIT TO THE "FOREIGN JUDGMENTS"; AND/OR ③ VACATING AND DECARING "VIGO AB INITIO" JUDGMENTS OR ORDERS ENTERED IN "A CLEAR ABSENCE OR ALL JURISDICTION" AND CONTRARY TO ESTABLISHED STATUTES AND CASE LAW AUTHORITY, IN NON-JUDICIAL ACTS. IT IS WELL SETTLED THAT ALL MANDAMUS ACTIONS OR PETITIONS (SUCH AS THIS MOTION/ACTION/PETITION) BROUGHT PURSUANT TO 28 U.S.C. § 1331 ARE NOT SUBJECT TO THE PRISON LITIGATION REFORM ACT (PLRA), 28 U.S.C. § 1915. PETITIONER SEEKING TO COMPEL DISTRICT COURT TO ACT ON HIS PENDING HABEAS PETITION DID NOT HAVE TO COMPLY WITH THE FEE REQUIREMENTS OF THE PLRA, MADDEN v. MYERS, 112 F.3d 74 (5th Cir 1997); PETITION FOR WRIT OF MANDAMUS THAT AROSE

(1.08 cont.)

OUT OF APPLICATION FOR POSTCONVICTION RELIEF, WAS NOT SUBJECT TO FEE PAYMENT REQUIREMENTS UNDER THE PLRA. FOR PRISONERS DESIRING TO APPEAR IFP, IN RE STONE, 118 F.3d 1032 (5TH CR. 1997); FILING FEE REQUIREMENTS OF PLRA DID NOT APPLY TO A PRISONER'S PETITION FOR WRIT OF MANDAMUS, FILED IN COURT OF APPEALS SEEKING TO COMPEL JUDGE IN CRIMINAL CASE TO RULE ON RECUSAL MOTION, IN RE NAGY, 89 F.3d 115 (2ND CR. 1996). AS SUCH ALL "DOA ORDERS" ENTERED IN THE JUDGMENT CREDITOR'S ACTIONS/ PETITIONS FOR MANDAMUS DECLARING A "STRIKE" OR A "3-STRIKE" DISMISSAL UNDER THE PLRA ARE VOID AND OF NO FORCE AND EFFECT.

1.09 AFTER BEING UNLAWFULLY DENIED ACCESS TO STATE COURTS, THE JUDGMENT CREDITOR SOUGHT RELIEF IN FEDERAL COURT, REQUESTING IFP ACCESS TO: ① CHALLENGE THE SUA SPONTE RETALIATORY TERMINATION OF HIS PARENTAL RIGHTS; ② CHALLENGE HIS UNLAWFUL LOSSES OF LIBERTY & PROPERTY, DETENTIONS, INCARCERATIONS,

and/or claimed criminal convictions by appeal. THE U.S. SUPREME COURT HAS HELD THAT THE CONSTITUTION REQUIRES THE WAIVER FOR INDIGENT PERSONS WHO ARE CHALLENGING TERMINATION OF THEIR PARENTAL RIGHTS (SEE MLB v. SLT, 519 U.S. 102 (1996)) OR SEEKING A DIVORCE, OR TO CHALLENGE A VOID DIVORCE DECREE (SEE BODDIE v. CONNECTICUT, 410 U.S. 371, AT 374 (1971)). IN THIS INSTANCE, THE JUDGMENT CREDITOR SOUGHT TO CHALLENGE THE TERMINATION OF HIS PARENTAL RIGHTS, AND TO VACATE AND VOID THE 12/8/03 DECREE, BY ~~AN~~ ACTIONS TO ENFORCE THE "FOREIGN JUDGMENTS," AND AS SUCH THE CONSTITUTION REQUIRES THE WAIVER OF THE FILING FEES IN ALL SUCH ACTIONS, THEREBY VOIDING ALL SUCH IEP DENIALS, AS TO "FUNDAMENTAL INTERESTS."

1.10 THE JUDGMENT CREDITOR IS NOT A PERSON WHO IS LAWFULLY "INCARCERATED OR DETAINED IN ANY FACILITY WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR, VIOLATIONS OF CRIMINAL LAW OR THE TERMS AND CONDITIONS OF PAROLE, PROBATION,

(109 cont)

PRETRIAL RELEASE, OR DIVERSIONARY PROGRAM." THE JUDGMENT CREDITOR IS A "CIVIL DETAINEE" IN LAW FULLY INCALCERATED DUE TO "VOD AB IN TD" CIVIL ORDERS, ISSUED IN "A CLEAR ABSENCE OF ALL JURISDICTION" AND IN NON-JUDICIAL ACTS, CONTRARY TO CLEARLY ESTABLISHED STATUTE AND CASE LAW AUTHORITY, WHO IS THEREFORE NOT SUBJECT TO THE PLRA 28 U.S.C. § 1915(g), AS A "CIVIL DETAINEE"; SEE TROVILLE v. VENEZ, 303 F.3d 1256, AT 1260 (11TH CR 2002); PAGE v. TORREY, 201 F.3d 1136, AT 1139 (9TH CR. 2000). AS SUCH ALL "STRIKE" OR "3-STRIKE" ORDERS ISSUED AGAINST THE JUDGMENT CREDITOR, ARE VOID, ISSUED IN "A CLEAR ABSENCE OF ALL JURISDICTION."

1.10 EACH OF THE "STRIKE" OR "3-STRIKE" DISMISSES CLAIMED AGAINST THE JUDGMENT CREDITOR IS IN RELATION TO AN ACTION THAT WAS THEN, AND IS STILL NOW PENDING EITHER BEFORE THE DISTRICT COURT, OR PENDING ON APPEAL, BY THE FILING OF A TIMELY NOTICE OF APPEAL.

IT IS WELL ESTABLISHED THAT ~~THE~~ COUNTABLE "STRIKES" UNDER THE PLRA INCLUDE ONLY DISMISSALS FOR WHICH AN APPEAL HAS BEEN EXHAUSTED OR WAIVED, SEE ADEPEGBA V. HAMMONS, 103 F.3d 383, AT 388 (5TH CIR (1996)); PATTON V. JEFFERSON C. C., 136 F.3d 458, AT 462 (5TH CIR 1998); SUCH A DISMISSAL, PENDING APPEAL CAN NOT BE CONSIDERED A "STRIKE" COUNTABLE AGAINST THE JUDGMENT CREDITOR, AS REVERSAL OF THE "STRIKE DISMISSAL" WOULD NULIFY THE STRIKE, ADEPEGBA, 103 F.3d AT 387; PATTON, 136 F.3d AT 464. IN THE ~~INSTANT~~ INSTANT CASE(S) THE JUDGMENT CREDITOR HAS NO COUNTABLE STRIKES, AS ALL ACTIONS CLAIMED AS "STRIKES" ARE EITHER STILL PENDING BEFORE THE DISTRICT COURT, OR A TIMELY NOTICE OF APPEAL WAS FILED AND THE APPELLATE REVIEW OR THE ~~EXHAUSTED~~ EACH CLAIMED "STRIKE" IS NOT EXHAUSTED.

1-11 IT IS AN ERROE FOR THE DISTRICT COURT TO RECORD A

"STRIKE" AT THE TIME OF THE INITIAL SUA SPONTE DISMISSAL, SEE STEWART v. LYNNES, 66 FED. APPX. 18, AT 22 AT HEADNOTE [9]. THE DESIGNATION OF A "STRIKE" HAS NO PRACTICAL CONSEQUENCES UNTIL A DEFENDANT IN A PRISONER LAW SUIT, RAISES THE CONTENTION THAT THE PRISONERS SOIT OR ADMEAC MAY NOT BE MAINTAINED IPP PURSUANT TO 28 USC § 1915, BECAUSE THE PRISONER IS ALLEGED TO HAVE ACCUMULATED THREE STRIKES, SEE SNIDER v. MELINDEZ, 199 F.3d 108, AT 115, HEADNOTE [5]ii. NOT A SINGLE ONE OF THE TWENTY CREDITOR'S THREE STRIKE SUA SPONTE DISMISSALS WAS ENTERED IN RESPONSE TO A MOTION BY THE OPPOSING PARTY, AND ALL OF THE TWENTY CREDITOR'S CLAIMED STRIKES WERE ERONEOUSLY RECORDED BY THE DISTRICT COURT, AT THE TIME THE INITIAL SUA SPONTE DISMISSAL WAS ENTERED.

1.12 A REVERSAL OF A SUA SPONTE DISMISSAL DECLARED A "STRIKE" NULLIFIES THE "STRIKE", SEE ADEPEGBAU v. HAMMONS, 103 F.3d 383,

(5TH CIR 1996)

AT 387, HEAD NOTE [5] - AS A DISMISSAL SHOULD NOT COUNT AS A "STRIKE" AGAINST A PRISONER UNTIL HE HAS EXHAUSTED OR WAIVED HIS APPEALS. ANY OTHER INTERPRETATION OF 28 USC § 1915(q) WOULD POSE A RISK OF PUNISHING AN INDIGENT LITIGANT FOR NONCULPABLE CONDUCT (SEE ADEPE GBA, ID., 103 F.3d AT 387-88; HEAD NOTE [6]) AS HAS BEEN WRONGFULLY DONE TO THE JUDGMENT CREDITOR.

1.13. SEVERAL COURTS HAVE WRONGFULLY ENTERED SUA SPONTE DISMISSEALS FOR FAILING TO FILE A COMPLETE PETITION ~~OR~~ CONSISTENT WITH § 1915(q), OMITTING THE JAIL STATEMENT, A PARTIAL FILING FEE, THE ENTIRE FILING FEE, OR DISCLOSURE THAT THE JUDGMENT CREDITOR HAS ALLEGEDLY "STRUCK OUT" OR SOME OTHER CLAIMED DEFECT. SUCH SUA SPONTE DISMISSEALS FOR A CLAIMED FAILURE TO MEET THE STATUTORY REQUIREMENTS OF THE PLRA ARE INVALID. SEE JACKSON V. STINNETT, 102 F.3d 132, AT 136, HEAD NOTE [7] (5TH CIR. 1996); COVINO V. REOPEN, 89 F.3d 605, AT 108-09 (2ND CIR. 1996) (APPLYING PLRA AND GIVING PLAINTIFFS 30 DAYS TO MEET

STATUTORY REQUIREMENTS).

1.14. EACH AND EVERY "SUA SPONTE" "STRIKE" OR "3 STRIKE" DISMISSALS WAS MADE SUA SPONTE BY THE DISTRICT COURT, ON IT'S OWN MOTION, WITHOUT AFFORDING THE JUDGMENT CREDITOR NOTICE AND OPPORTUNITY TO BE HEARD. AS SUCH ALL SUA SPONTE ~~THE~~ "STRIKE" OR "3-STRIKE" DISMISSALS MUST BE VACATED. SEE PALIZZ V. ORTIZ, 849 F.2d 793, AT 797 (2ND CIR 1988); SQUARE D CO. V. NIAGARA FRONTIER TANIFF BUREAU, 760 F.2d 1347, 1365 (2ND CIR 1985); SCHESLINGER ~~THE~~ INV. PARTNERSHIP V. FLUOR CORP., 671 F.2d 739, AT 742 (2ND CIR 1982); EATLES V. THOMSON, 823 F.2d 1055, AT 1062 (7TH CIR 1987) AND SNIDER V. MELINDEZ, 199 F.3d 108, AT 112, HEADNOTE [2] (2ND CIR 1999).

1.15. THE "3-STRIKE" DISMISSAL OF A ~~THE~~ INDIGENT INMATE'S ACTION OR APPEAL, ON ~~THE~~ ^A SUA SPONTE BASIS, WITHOUT A NOTICE AND A MOTION FROM THE DEFENDANT OR OPPOSING LITIGANT IS A NON-JUDICIAL ACT IN "A CLEAR ABSENCE OF ALL JURISDICTION" WHICH INVOLVES THE COURTS IN DISPUTES THAT MIGHT NEVER HAVE ANY PRACTICAL CONSEQUENCE, SEE DECIGNY, 361 F.3d 93, AT 95 (2ND CIR 2004).

QUOTING FROM SNIDER v. MELINERZ, 199 F.3d 108, AT 115 (2nd Cir. 1999). EACH AND EVERY ONE OF THE "3-STRIKE" DISMISSEALS MADE AGAINST THE JUDGMENT CREDITOR, WAS MADE IN A SOA SOONTE NON-JUDICIAL ACT, IN THE ABSENCE OF A MOTION FROM THE OPOSING PARTY AND WITHOUT NOTICE OR OPPORTUNITY TO BE HEARD, IN "A CLEAR ABSENCE OF ALL JURISDICTION" RENDERING ALL SUCH "3-STRIKE" SOA SOONTE DISMISSEALS TO BE "VOID AD INFINITUM".

1.16 THE "DOA ORDERS" AT ISSUE IN THIS PETITION/MOTION/ACTION WERE ISSUED IN NON-JUDICIAL ACTS WHO NOTICE OR OPPORTUNITY TO BE HEARD, IN VIOLATION OF DUE PROCESS, RENDERING THE "DOA ORDERS" VOID AND SUBJECT TO COLLATERAL ATTACK, AT ANY TIME, THEIR VALIDITY IS QUESTIONED, SEE BLUMSTEIN v. U.S., 40 BR. 551, AT 553, HEADNOTES [5], [6] & [7] (D.C. SD 1984); BRADLEY v. ST. LOUIS TERMINAL WAREHOUSE CO., 189 F.2d 818, AT 824 ~~825~~, HEADNOTE [13] (8TH CIR 1951); JONES v. GILES, 741 F.2d 245, AT 248, HEADNOTES ~~246~~ [4] & [6] (9TH C.R. 1984); CHICOT CO. DRAINAGE DIST v. BAXTER ST. BANK, 308 U.S. 371, AT 376-77 (1940); GRACIETTE v. STAR INSURANCE INC, 66 F.R.D. 424, AT 428-29, (SD.N.Y. 1975).

1.17 THE REIMPOSED AUTOMATIC STAY,
 PURSUANT TO 11 U.S.C. § 362, ESTABLISHED
 BY THE "FOREIGN JUDGMENTS" (EX. 2),
 WHICH WERE THE SUBJECT OF THE ACTIONS
 UPON WHICH THE "DOA ORDERS" WERE
 ENTERED, ~~RE~~ (SEE HILLIS MOTORS INC v.
HAWAII AUTO DEALERS ASS'N, 997 F.2d 581,
AT 585-90 (9TH CIR 1993); WOLF v. WEINSTEIN,
372 U.S. 633, AT 643 (1963); DUPPER v.
LITTON 308 U.S. 295, AT 306 (1939);
IN RE NAT. ENV. WASTE CORP., 200 F.3d 1266,
AT 1268 (9TH CIR. 2000); IN RE SMITH,
KH F.3d 1179 (9TH CIR 1998); AND IN RE
Celebrity Home Ent. Inc., 210 F.3d 995, AT
998 (9TH CIR 2000)) ACTS TO VOID ALL
 OF THE "DOA ORDERS", AUTOMATICALLY, AS
 THEY WERE ENTERED IN VIOLATION OF THE
 REIMPOSED AUTOMATIC STAY (IN RE SCHUETZ
954 F.2d 569 (9TH CIR 1992); IN RE CALDER
907 F.2d 953 (10TH CIR 1990)). THE FEDERAL
 DISTRICT COURTS, ARE LIMITED IN THEIR
 JURISDICTION BY THE REIMPOSED
 AUTOMATIC STAY ESTABLISHED IN THE
 "FOREIGN JUDGMENTS", TO THE ENTRY
 OF ORDERS THAT ARE NOT, INCONSISTENT
 WITH THE TERMS OF THE "FOREIGN
 JUDGMENTS" (EX. 2), SEE PICCO v.
GLOBAL MARINE, 900 F.2d 846 (5TH
 CIR 1990).

1.18 AT ALL TIMES IN THE ACTIONS WHERE THE "DOA ORDERS" WERE ISSUED, I WAS ACTING ~~AS~~ IN MY OFFICIAL CAPACITY, AS THE COURT APPOINTED TRUSTEE, SEEKING TO EXECUTE AND ENFORCE THE "FOREIGN JUDGMENTS" (EX-2), AS SUCH ALL ACTS, ACTIONS OR CLAIMS TAKEN AGAINST ME, WHILE ACTING IN MY OFFICIAL CAPACITY, SUCH AS THE "DOA ORDERS" ARE "VOD AB INTO"; SEE IN RE MARKOS GURNEE PARTNERSHIP, 182 B.R. 211 (BANKR. N.D. IL. 1995).

1.19 AS A MATTER OF LAW, THE JUDGMENT CREDITOR CAN, AND HAS, SIMPLY IGNORE(D) THE "DOA ORDERS", AS A MATTER OF FEDERAL STATUTE, 11 U.S.C. § 524(g)(1), PURSUANT TO THE DISCHARGE AND DISCHARGE INTENTION ESTABLISHED BY THE "FOREIGN JUDGMENTS". IN THE 1978 AMENDMENTS TO THE BANKRUPTCY ACT, CONGRESS EXPRESSLEY MADE IT LAWFUL FOR THE JUDGMENT CREDITOR, TO SIMPLY IGNORE ALL JUDGMENTS OR ORDERS SUCH AS THE "DOA ORDERS" WHICH GRANT RELIEF AGAINST THE JUDGMENT CREDITOR, THAT WAS NOT SPECIFICALLY PRESERVED WITHIN THE "FOREIGN JUDGMENTS"; SEE DUNBAR 4 CONTRACTORS LIC. B.R., 235 B.R. 465 (9TH CIR. 1999); IN re Andre, Inc., 216 B.R.

19, AT 29 (9TH CIR BAP 1997); IN RE SCHWARTZ 954 F.2d 569, AT 573-75 (9TH CIR 1992); GONZALEZ V. PARKS, 830 F.2d 1033 (9TH CIR 1987); IN RE FRANCESCHI, 268 B.R. 219, AT 226 (9TH CIR BAP 2001); IN RE CANIZ, 254 B.R. 801, AT 810 (BANKR S.D. N.Y 2000); IN RE PAVELICH, 229 B.R. 777, AT 781 (9TH CIR BAP 1999); 4 LAWRENCE P. KING, ET. AL., COLLIER ON BANKRUPTCY P 524-13 [T] (15TH ED REV. 1998); IN RE HENSZER, 248 B.R. 488, AT 491 (BANKR D.N.J. 2000).

1.20 ACCORDINGLY, THIS COURT HAS A MANDATORY, NON-DISCRETIONARY AND MINISTERIAL DUTY TO VACATE AND DECLARE "VOID AB INOTO" EACH AND EVERY "DOA ORDER", AT ISSUE HEREIN, SEE JORDAN V. BILLIGMAN, 500 F.2d 701, AT 704 (6TH CIR 1974); J.J. MOORE FEDERAL PRACTICE, P 60.25 (2) AT 301 (2ND ED. 1973) AND LUBBEN V. SELECTIVE SERVICE, 453 F.2d 645 (1ST CIR 1972); CHAI V. KONG 93 P^{3d} 936 (WASH. APP. D.V.I 2004).

1.21 I HEREBY CERTIFY AND DECLARE THE FOREGOING TO BE TRUE AND CORRECT UNDER THE PENALTY OF PERJURY AND I CERTIFY THAT THIS PETITION/MOTION/ACTION WAS FILED/MAILED BY PLACING IT INTO THE OUTGOING MAIL INTELLIGENT LEGAL MAIL AT SCJ 5E-30 ON 3/15/06 3/15/06 PG 25
DATED: 3/15/06 3/15/06 PG 25
-18 DATED: 3/15/06 3/15/06 PG 22 OF 40 DUNCAN J. MURKIL III OF 43

TEP DECLARATION

1. I AM OVER THE AGE OF 18 AND I HAVE
 2. PERSONAL KNOWLEDGE OF THE FOLLOWING

2. I AM PRESENTLY UNLAWFULLY

1. INCARCERATED BY THE STATE OF WASHINGTON,
 2. COUNTY OF SPOKANE AND THE CITY OF SPOKANE,
 3. IN VIOLATION OF MY CONSTITUTIONAL AND
 4. CIVIL RIGHTS, AS A "CIVIC DETAINEE".

5. 3. THAT I AM AN "OFFICER OF THE
 6. UNITED STATES" AS DEFINED BY 42 U.S.C. §
 7. 1985(1) APPOINTED PURSUANT TO 11 U.S.C. §
 8. 1123(b)(3)(B) AS THE DISBURSING AGENT AND
 9. LIQUIDATING TRUSTEE AND GENERAL MANAGER
 10. FOR REORGANIZED DEBTOR BROADWAY
 11. BUILDINGS II, L.P., ~~AS~~ PURSUANT TO ORDER
 12. OF THE U.S. BANKRUPTCY COURT, CENTRAL
 13. DISTRICT OF CALIFORNIA.

14. 4. THAT AS A DISABLED PERSON,
 15. I HAVE BEEN THE CONTINUOUS AND
 16. ONGOING VICTIM OF INTENTIONAL
 17. DISCRIMINATION AND RETALIATION, BY
 18. THE U.S., THE STATE OF WASHINGTON,
 19. THE COUNTY OF SPOKANE, AND THE CITY
 20. OF SPOKANE, IN A KNOWING AND
 21. INTENTIONAL VIOLATION OF MY CIVIL
 22. AND CONSTITUTIONAL RIGHTS, FOR
 23. HAVING EXERCIZED MY COURT APPOINTED
 24. DUTIES PURSUANT TO THE EXECUTION
 25. AND ENFORCEMENT OF BROADWAY'S
 26. CONFIRMED PLAN, PURSUANT TO U.S.
 27. CONST. ART 4, §1, FULL FAITH &

28. ~~COLLECT IT CLAUSE~~, I AM PRESENTLY UNDER
 IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY DUE
 TO CONDITIONS OF INCARCERATION AND THE PG-26
 WITHHELDING OF MEDICAL CARE. 27 OF 40 OF 43

1 5. BY THE ATTACHED IFP
2 APPLICATION I MOVE THE COURT FOR
3 AN ORDER ALLOWING ME TO
4 PROCEED IN THIS ACTION WITHOUT
5 PREPAYMENT OF FEES.

6. I ALSO MOVE THE COURT
7 FOR AN ORDER ALLOWING ME
8 ELECTRONIC FILING STATUS, ALONG
9 WITH A WAIVER OF PACER AND
10 ELECTRONIC ACCESS, FILING AND
11 SERVICE FEES.

12 7. I FURTHER MOVE THE
13 COURT FOR APPOINTMENT OF
14 COUNSEL, IN THIS ACTION, PURSUANT
15 TO 28 USC §1915(c)(1), FOR THE
16 FOLLOWING REASONS:

17 (9) TO ATTAIN DUE PROCESS OF LAW &
18 THE PLAINTIFF, INDIGENT & UNLAWFULLY
19 INCARCERATED, ASSERTS IN BRINGING
20 THIS ACTION THAT THE PLAINTIFF HAS
21 BROKEN DENIED HIS FUNDAMENTAL RIGHTS
22 TO DUE PROCESS OF LAW, AND HAS THEREBY
23 UNLAWFULLY DENIED ACCESS TO THE
24 COURTS, WARRANTING APPOINTMENT OF
25 COUNSEL IN THIS PARTICULAR CASE, SEE
26 HATFIELD v. BAILLEAU, 290 F.2d 632
27 (9TH CR 1961);
28 Pg 24 of 40 ~~Page 20~~ Pg 27 of 43

1 (b) THE PLAINTIFF'S ACTION IS
2 NECESSITATED AND BROUGHT ABOUT
3 BY THE DEFENDANT'S ALLEGED
4 CONSPIRACY TO CONCEAL THE PLAINTIFF'S
5 UNCAW FILE ARRESTS, AND TO OBTAIN
6 INVALID CRIMINAL CONVICTIONS, THEREBY
7 WARRANTING THE APPOINTMENT OF
8 COOUNSEL, SEE WHITE V. WALSH, 649
9 F.2d 560 (8TH CIR 1981);

10 (c) THE DENIAL OF COOUNSEL IN
11 THE PARTICULAR CASE, WOULD RESULT IN
12 A FUNDAMENTAL UNFAIRNESS, DUE TO
13 PLAINTIFF'S CONTINUAR DENIAL OF ACCESS
14 TO COURTS/LAW LIBRARY, INFIRNOG
15 UPON THE INNOCENT PRISONER'S DUE
16 PROCESS RIGHTS, THEREBY REQUIRING
17 APPOINTMENT, SEE CHIOTS V. DUCKWORTH
18 705 F.2d 915 (7TH CIR, 1983);

19 (d) APPOINTMENT OF COOUNSEL IS
20 NECESSARY WHEN AN INNOCENT PRISONER,
21 AS IN THIS CASE, IS PROHIBITED AD EQUITATE
22 ACCESS TO LAW LIBRARY, COPIER, TYPE WRITER,
23 AND OTHER RESOURCES NEEDED TO PROSECUTE
24 THE CASE, SEE RAYES V. JOHNSON,
25 969 F.2d 700 (8TH CIR, 1992);

26 (e) INNOCENT PRISONER IS
27 PERMANENTLY DISABLED, WITH A CHRONIC
28

(SPECIFICALLY PG 37 OF 38)

(SEE PG 27 OF 38 TO 38 OF 38 ATTACHED)

D1BILITATED DISASTER, CHRONES DISEASE,
WITHOUT LIMITS AND INTERFERES WITH
THE INDEPENDENT DISABLED PRISONER'S
ABILITY TO PRESENT HIS CASE TO THE
COURT, AND RECEIVED A FAIR TRIAL.
SEE MCCARTHY v. WARD BIRD, 753 F.2d 836
(10TH CR 1985); JACKSON v. COUNTY OF
MCLEAN, 953 F.2d 1070 (7TH CR 1992).

8. THE SUBJECT ACTION RELATES
TO SIGNIFICANT CONSTITUTIONAL ISSUES,
OF PUBLIC IMPORTANCE, AS TO FULL FAITH
& CREDIT, ACCESS TO COURTS, & FALSIFIED
CRIMINAL HISTORY AND INDIVIDUAL AGENCY
RE COURTS, WHICH WARRANT THE
APPOINTMENT OF COUNSEL, AS THE
CASE RAISES SEVERAL ISSUES
OF FIRST IMPRESSION, WHICH COULD
LEAD TO SIGNIFICANT PRECEDENTIAL
AUTHORITY.

9. THE PLAINTIFF MOVES THE
COURT FOR AN ORDER REQUIRING SERVICE
OF THE SUMMONS & COMPLAINT ON THE
DEFENDANTS BY THE U.S. MARSHAL
SERVICE AT THE COST OF THE U.S.
I DECLARE THE FOREGOING IS TRUE AND
CORRECT UNDER THE PENALTY OF PERJURY OR
THE LAWS OF THE UNITED STATES. PG 29 OF
DATED: ~~4/13/06~~ 4/13/06 4/13/06
01-26-40 ~~4/13/06~~ 4/13/06 4/13/06

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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**Social Security Administration
Retirement, Survivors and Disability Insurance
Notice of Award**

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: September 2, 2003
Claim Number: 546-25-4246HA

000 MCS PC7 JAA TIP ASV 10
DUNCAN J MCNEIL III
PO BOX 2906
SPOKANE, WA 99220-2906

0000-0000-0000-0000

You are entitled to monthly disability benefits beginning May 2003.

The Date You Became Disabled

We found that you became disabled under our rules on November 5, 2002. This is different from the date given on the application.

Also, you have to be disabled for 5 full calendar months in a row before you can be entitled to benefits. For these reasons, your first month of entitlement to benefits is May 2003.

What We Will Pay And When

- You will receive \$3,080.00 around September 8, 2003.
- This is the money you are due for May 2003 through August 2003.
- Your next payment of \$770.00, which is for September 2003, will be received on or about the third Wednesday of October 2003.
- After that you will receive \$770.00 on or about the third Wednesday of each month.
- These and any future payments will go to the financial institution you selected. Please let us know if you change your mailing address, so we can send you letters directly.

The day we make payments on this record is based on your date of birth.

Enclosure(s):
Pub 05-10153
Pub 05-10058

C

See Next Page

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From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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546-25-4246HA

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Other Social Security Benefits

The benefit described in this letter is the only one you can receive from Social Security. If you think that you might qualify for another kind of Social Security benefit in the future, you will have to file another application.

Your Responsibilities

The decisions we made on your claim are based on information you gave us. If this information changes, it could affect your benefits. For this reason, it is important that you report changes to us right away.

We have enclosed a pamphlet, "When You Get Social Security Disability Benefits...What You Need To Know." It will tell you what must be reported and how to report. Please be sure to read the parts of the pamphlet which explain what to do if you go to work or if your health improves.

A provider of employment or vocational rehabilitation services may contact you about getting help to go to work. The provider may be a State vocational rehabilitation agency or a provider under contract with the Social Security Administration.

If you go to work, special rules allow us to continue your cash payments and health care coverage. For more information about how work and earnings affect disability benefits, call or visit any Social Security office and ask for the following publications:

- Social Security - Working While Disabled...How We Can Help (SSA Publication No. 05-10095).
- Social Security - If You Are Blind--How We Can Help (SSA Publication No. 05-10052).

Do You Disagree With The Decision?

If you disagree with this decision, you have the right to appeal. We will review your case and consider any new facts you have. A person who did not make the first decision will decide your case. We will correct any mistakes. We will review those parts of the decision which you believe are wrong and will look at any new facts you have. We may also review those parts which you believe are correct and may make them unfavorable or less favorable to you.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You must have a good reason for waiting more than 60 days to ask for an appeal.
- You have to ask for an appeal in writing. We will ask you to sign a Form SSA-561-U2, called "Request for Reconsideration". Contact one of our offices if you want help.

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From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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546-25-4246HA

Page 3 of 3

Please read the enclosed pamphlet, "Your Right to Question the Decision Made on Your Social Security Claim". It contains more information about the appeal.

Things To Remember For The Future

Doctors and other trained staff decided that you are disabled under our rules. But, this decision must be reviewed at least once every 3 years. We will send you a letter before we start the review. Based on that review, your benefits will continue if you are still disabled, but will end if you are no longer disabled.

If You Want Help With Your Appeal

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past due benefits to pay toward the fee.

If You Have Any Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-509-353-2591. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE A
811 E SPRAGUE AVE
SPOKANE, WA 99202

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Jo Anne B. Barnhart
Commissioner
of Social Security

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PL 110-20

P6 32 OF 43

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINOLEUM AND CARPET CITY;
To: ESG EFAX At: 92713775

5093269438;

Dec-3-03 1:46PM;

Page 1/2

**Social Security Administration
Retirement, Survivors, and Disability Insurance
Important Information**

M7

Office of Central
Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: November 30, 2003
Claim Number: 546-25-4246 MA

Duncan McNeil III
PO Box 2906
Spokane WA 99220

We are writing to you about court order number IN4871523.

In an earlier letter, we told you that we might have to take money out of your Social Security payments to satisfy the court order. Washington State Support Registry has ordered us to take money out to collect child support and/or alimony. Therefore, we will reduce the monthly payments beginning November 2003.

What We Will Take Out

We will take out \$385.00 from each monthly payment to collect what you owe. You will receive a check for \$385.00 each month beginning with the check you receive around December 3, 2003.

If You Disagree With The Decision

If you disagree with the decision of Washington State Support Registry, you will need to contact them directly, or have a lawyer do this for you. They can be contacted at:

Washington State Support Registry
PO Box 45868
Olympia WA 98504

If You Have Any Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-509-353-2591. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778.

SEE NEXT PAGE

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~~PLATE 2 OF 20~~

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINOLEUM AND CARPET CITY;

5093269428;

Dec-8-03 1:48PM;

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546-25-4246 HA.

Page 2

You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE A
811 E SPRAGUE AVE
SPOKANE, WA 99202

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

W Burnell Hurt

W. Burnell Hurt
Associate Commissioner for
Central Operations

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From: Duncan J. McNeil To: James R. Lansen

Date: 7/30/2004 Time: 4:02:18 PM

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Mon 07 03 01:50P
From: Duncan J. McNeil 603-271-3776 To: MD Dr. Charles W. Laudenbach

Date: 11/7/2003 Time: 10:40:20 AM

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Oct 08 09 08:34P

p.2



400 East 26th Avenue, P.O. Box 3449
Spokane, WA 99226-3449
Phone: (509) 333-2331 / 2-889-774-1043
Fax: (509) 333-2377
www.rockwoodclinic.com

September 22, 2003

RE:
MCNEIL, DUNCAN JY J
1571942
DOB: 03/14/1957

SOUTH LAKES DIVISION
Disney Medical Center
Medical Lake Family Practice
Advanced Clinic Endocrinology
Advanced Clinic Center of West Washington
Advanced Clinic Cat Center
Advanced Clinic Dermatology
Advanced Clinic Home Health
Advanced Clinic Heart
Advanced Clinic Head Neurology
Advanced Clinic Medical Therapy
Advanced Clinic Orthopedics
Advanced Clinic Podiatry
Valley Radiology Clinic
Valley Endocrinology and Weight Therapy

Duncan J McNeil III
P.O. Box 2906
Spokane, WA 99220-2906

TO WHOM IT MAY CONCERN:

Mr. McNeil is a patient whom I have seen since January of 2001. Mr. McNeil, unfortunately has a medical condition resulting in his inability to appear in court. I would appreciate it if this can be taken into consideration and possibly a telephone appearance could be allowed in this case.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Charles Laudenbach, MD".

Charles Laudenbach, MD
Internal Medicine

408/J:1351822/D:1984836/CL:10
O: 09/22/2003 27:57:38
T: 09/24/2003 08:15:48

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PC440-20

Our practice functions as a physician referral, short-term medical practice. Our team of doctors and staff is dedicated to the delivery of the best patient care available. We strive to provide a peaceful and relaxing environment. Our services include a complete range of diagnostic and therapeutic services including a wide variety of medical specialties.

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINOLEUM AND CARPET CITY;
To: ESQ EFAX
At: 92712775

5093269438;

Sep-5-03 3:39PM;

Page 1/1

Ronald M. Klein, Ph.D.
Behavioral Medicine Service
601 West Main Avenue, Suite 1011
Spokane, WA 99201 (509) 838-1285

09/02/2003

Division of Disability Determination

Spokane, WA

re: Duncan McNeill DOB: 3/14/1957

Dear Sir/Madam:

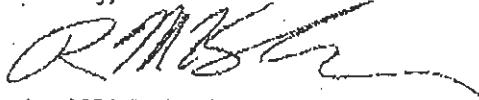
Mr. McNeill was a patient of mine three years ago. With his consent, I am providing you with the following information. His dates of service were:

11-14-00; 11-21-00; 11-28-00; 12-5-00; and 12-29-00.

He had been referred by his physician Dr. Crael et Rockwood Clinic. After my initial evaluation of him on 11-14-00, I diagnosed Mr. McNeill with [redacted confidential].

[redacted confidential] He appeared to be reacting to a newspaper story published at that time about his ongoing legal dispute with well known public officials. Mr. McNeill felt he had been characterized in that story in a grossly unfair manner. He was also being treated by his physician for ongoing [redacted] and was being medicated for that. I provided [redacted] to Mr. McNeill during those sessions and also made recommendations to his physician regarding use of [redacted confidential]. I have not seen him clinically since 12-29-00. I did have a recent phone conversation with him during which he informed me that his symptoms have continued on since that time and that your agency has found him to be disabled. It is my understanding that Mr. McNeill has undergone [redacted confidential] with other practitioners over these past 3 years.

Sincerely,



Ronald M. Klein, Ph.D.
Behavioral Medicine Service

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PC 12 OF 20

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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2004/JUL/14/WED 01:36 PM CHAS MAPLE

FAX No. 1-509-444-7807

P. 001/001

**Community Health Association of Spokane****07/13/2004****RE: DJ McNeil**

To Whom It may Concern:

Mr. McNeil has been diagnosed with colitis. He was last seen in clinic 05/24/04. He phoned the clinic 07/08/04 and stated he was having a flare of colitis. He phoned the clinic again today asking for a letter stating that he is having a flare of colitis, is bedridden, and is unable to appear in court on 07/14/04. Since the patient has not been seen in this clinic since May 24 of this year, I cannot verify his current health status relative to his colitis; nonetheless, he requested a letter to inform the court of the foregoing.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive ink that reads "Bill Lawson".

Bill Lawson, PA-C

CC: Patient file

Maple CHAS Clinic
3918 North Maple Street
Spokane, WA 99205
(509) 444-7804

DT CHAS Clinic
1001 W 2nd Ave.
Spokane, WA 99201
(509) 838-1205

Valley CHAS Clinic
9227 E Main St.
Spokane, WA 99206
(509) 444-8200

NE CHAS Clinic
4001 N. Cook St.
Spokane, WA 99207
(509) 487-1604

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Community Health Association of Spokane

09/03/2004

RE: Dj McNeil

To: Whom It May Concern

This person has anxiety and is on treatment for it. He may do better to have telephone appearances for his court hearings.

Sincerely,

Alisa M. Hideg, MD

CC: Patient file

Maple CHAS Clinic
3919 North Maple Street
Spokane, WA 99205
(509) 444-7801

DT CHAS Clinic
1001 W 2nd Ave.
Spokane, WA 99201
(509) 835-1205

Valley CHAS Clinic
9227 E. Main St.
Spokane, WA 99206
(509) 444-8200

NE CHAS Clinic
4001 N. Cook St.
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(509) 487-1604

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POTTER CO

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Community Health Association of Spokane

3919 North Maple St.
Spokane, WA 99205
(509) 444-7801

9227 E. Main St
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(509) 444-8200

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Spokane, WA 99201
(509) 835-1205

4001 N. Cook St
Spokane, WA 99207
(509) 487-1604

Encounter Date: 09/03/2004 Provider: Alisa Hideg MD
Patient Name: McNeil, Dj Date of Birth: 03/14/1957

Pt. here for Follow-up OV.

47 Years old, male Pt. here for Follow-up OV.

CHIEF COMPLAINT

1. **Colitis (follow-up)** Comments: Pt states that he is having a flare up of his colitis again. Pt feels he is having burning w/ urination and stools passing. Pt has not had much blood in his stool for 6 weeks. He had bleeding for approximately 6 days in his emesis and stools at that time 6 weeks ago. Nauseated x two and 1/2 weeks now.

2. **Anxiety (follow-up)** Comments: He denies caffeine use. Pt is going to court re: charges against him - not specific. Has friend who is here w/ him. Pt wants medication to use when anxious about going outside

CHRONIC CONDITIONS

1. ASTHMA.
2. Anxiety state NOS.

CURRENT MEDICATIONS

<u>Brand Name</u>	<u>Dose Note</u>	<u>Route Desc</u>	<u>Sig Desc</u>
Prevacid daily (PT ASSISTANCE)	30mg	Oral	Take one capsule by mouth
Advair Diskus twice daily	100/50	Inhalation	Inhale 1 puff into your lungs
Celebrex	200mg	Oral	one tablet by mouth daily
Albuterol	90mcg	Inhalation	
Flovent	110mcg	Inhalation	
Prilosec	20mg	Oral	

ALLERGIES

Description Reaction:
No Known Drug Allergies

Nurse/MA Comments:

Allergy List Confirmed. Medications Confirmed. Immunizations Confirmed.
Immunizations Up-to-Date

Physical Examination:**Vital Signs:**

Height: 72.00 inches. (182.88 cm), Weight: 216.00 lbs. (98.18 kgs). BMI = 29.32;

Temperature: 97.00 F. (36.11 C) Respirations: 16

170/120 Right arm sitting. (used Regular Adult cuff).

Pulse rate is 84 per minute, regular.

Orthostatic B/Ps: L arm supine, B/P is 160/100; Pulse L arm supine is 84 beats/minute.

Constitutional:

McNeil, Dj

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Alisa Hideg MD

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10/18/2004

No acute distress. Well nourished.
Appearance: disheveled.

Abdomen: Abdomen soft, non-tender, non-distended; normal bowel tones; no hepatosplenomegaly. No palpable mass; no CVA tenderness.

P.H.Q.

1. Feeling down, depressed or hopeless?
Nearly every day.
2. Little interest or pleasure in doing things.
Not at all.
3. Trouble falling asleep or sleeping too much
Nearly every day.
4. Feeling tired or having little energy
Nearly every day.
5. Poor appetite or overeating
Nearly every day.
6. Feeling bad about yourself--or that you are a failure or have let yourself or your family down.
Nearly every day.
7. Trouble concentrating on things, such as reading the newspaper or watching television.
Nearly every day.
8. Moving or speaking so slowly that other people could have noticed? Or the opposite--being so fidgety or restless that you have been moving around a lot more than usual?
Nearly every day.
9. Thoughts that you would be better off dead, or of hurting yourself in some way?
Not at all.
10. If you are experiencing any of these problems, how difficult have these problems made it for you to do your work, take care of things at home or get along with other people?
Extremely difficult.
11. If these problems have caused you difficulty, have they caused you difficulty for two years or more?
Yes, I have had difficulty with these problems for 2 years or more.

How many days in the last two weeks have you missed doing things because you are depressed?
14 Day(s)

Depression symptom score is 0;
Severity score is 21; Severe Depression.

X Client has significant functionability impairment.

Consider DX of Dysthymia.

Client is in CHAPPY Registry.

Next PHQ due in 4-8 weeks, (10/01/2004).

In-House labs:

Urine Dipstick values:

Spec gravity: 1.015; Ph: 5; Leukocytes: negative; Nitrites: negative; Protein: negative; Glucose: normal; Ketones: negative; Urobilinogen: normal; Bilirubin: negative;

Blood: negative;

Blood glucose: 96mg/dl.

ASSESSMENT / PLAN

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McNeil, DJ

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Alisa Hideg MD

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1. **Colitis, ulcerative NOS** (Re: eval & TX of ICD-9 556.9):

- Start Asacol

F/U w/GI

2. **Panic disorder** (Re: eval & TX of ICD-9 300.01).

Pt to increase zoloft dose

Use hydroxyzine prn

Medications ordered this visit: (Potential adverse drug reactions discussed.)

<u>Brand Name</u>	<u>Dose</u>	<u>Rx Refills</u>	<u>Rx Quantity</u>	<u>Sig Desc</u>
Asacol	400mg	0	30	one tablet by mouth three times dai
Metamucil		0	0	1 tbspo po BID
Zoloft	100mg	3	30	two tablets by mouth daily
Atarax	100mg	1	90	1/2 to 1 tab po q 4-6 hrs prn anxiety

MA/Nurse: Mark E. Brooks

Alisa Hideg MD

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McNeil, Dj

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3

Alisa Hideg MD

PL 38 OF ~~43~~

"FOREIGN JUDGMENTS"

EXHIBIT "Z"

AUTHENTICATION & REGISTRATION THEREOF:

1. a. NOTICE of Filing of "Assignment of Interests in Bankruptcy Court Judgments Rendered in Another District, for the Benefit of Creditors, in aid of the Judgment, and in the aid of the Enforcement and Execution Thereof", filed 3-22-02 in Misc Case No 02-02, filed as Docket #535, on March 22, 2002, in Case No. 01-06073-W11, USBC-ED-WA;
2. b. "Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined With Notice Thereof", (hereinafter "Broadway Disclosure Statement"), entered December 21, 1998, as Docket #112 in Case No. LA 98-18082-SB, USBC-CD-CA-LA;
3. c. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan", (hereinafter "Broadway's First Plan w/Discharge"), entered March 19, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, as Docket #129, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service on Counsel;
4. d. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan (As Modified)", (hereinafter "Broadway's Second Plan"), entered June 16, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
5. e. "Findings of Fact and Conclusions of Law in Support of Order Disallowing Claims of John H. Smith and Robert Hayes", (hereinafter "Fraudulent Deed Findings"), entered December 29, 1998, in Adversary Case No. AD-98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
6. f. "Judgment and Order Pursuant to Summary Judgment Motions", (hereinafter "Fraudulent Deed Judgment"), entered December 29, 1998, in Adversary Case No. AD 98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
7. g. "Stipulated Order Re: Liability and Damages", entered October 30, 2000 in Case No. CS-97-435-RHW, USDC-ED-WA;
8. h. Writ of Obedience #02-0001, issued May 31, 2002, in Spokane County Superior Court Case No. 02-2-02825-4, ~~DOC#14, FILED 10/21/04~~;
9. i. Writ of Obedience #02-0002, issued June 6, 2002, in Case No. 02-2-02825-4, ~~DOC#15~~;
10. j. Writ of Obedience #02-0003, issued June 7, 2002, in Case No. 02-2-02825-4, ~~DOC#16~~;
11. k. Writ of Obedience #02-0004, issued June 12, 2002, in Case No. 02-2-02825-4, ~~DOC#17~~;
12. l. Writ of Obedience #02-0005, issued July 18, 2002, in Case No. 02-2-02825-4, ~~DOC#18~~;
13. m. ORDER denying relief from stay Re: Item # 41, with Notice of Entry, filed 1/11/2000 as Docket #137, incorporating therein "Opposition Re: Item # 41, to motions to lift stay: opposition to motion to annul stay, filed 12/9/1999, as Docket #94", and incorporating "Opposition Re: Item # 57, to motion to lift stay and to motion to annul, filed 12/10/1999, as Docket #95"; all filed in Case No. LA 99-39555-SB, USBC-CD-CA-LA;
14. n. BAP/USDC appeal judgment - the Bankruptcy Court judgment is AFFIRMED. BAP #CC-00-1049 RE: Item #154, filed 1/16/2001, as Docket #359, Case No. LA 99-39555-SB, USBC-CD-CA-LA;
15. o. ORDER Granting Debtors Motion to Strike Liens, filed 9/15/1998, as Docket #199, in Case No. 96-02980-K11, USBC-ED-WA;
16. p. NOTICE of Filing of "Request to Clerk for Registration of Judgment Rendered in Another Court, filed 3-21-02 as Misc Case No. 02-01 (02-01731 DJM \$), filed 3/27/2002, as Docket #536, Case No. 01-06073-W11, USBC-ED-WA;
17. q. EXHIBIT I Admitted at hearing on 12-5-01; re: Amendment to Settlement Agreement and Mutual Release and Personal Services Contract Effective 5-24-01 between Duncan J McNeil and Broadway Buildings II L.P. Re: Oust Motin to Convert Case to Ch 7, Docket #44 & Joinder thereto Docket #212, as Docket #459, Case No. 01-06073-W11, USBC-ED-WA;

(*) DOCT#S REFER TO "PACER" DOCKET NUMBERS FOR CASE NO.

2504-CV-00427-AAM; USDC

EASTERN DISTRICT
OF WASHINGTON

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"FOREIGN JUDGMENTS" EX. 2
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- 1 EXHIBIT J Admitted at hearing on 12-5-01; Re: Amendment to Settlement
2 Agreement and Mutual Release and Personal Services Contract, effective 8-17-01
3 between Duncan J McNeil, GMFL Reorganization Corporation, and Broadway
Buildings II LP RE: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder
therein Docket #212, filed 1/4/2002, as Docket #460, Case No. 01-06073-W11;
USBC-ED-WA;
- 4 PROPOSED Exhibit "D-D" to Supplement Exhibits offered at hearing on 12-5-01;
RE: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil 11-23-99
with the Oust-Ed-WA, in the sum of \$5211.926, ..., filed 2/6/2002, as Docket
#s 506, 506A, Case No. 01-06073-W11, USBC-ED-WA;
- 5 PROPOSED Exhibit "I-I" to Supplement Exhibits offered at hearing on 12-5-01; re:
1) Standard Form 95 Claim for Damages filed by Duncan J McNeil on 3-6-98 with
the Oust-Ed-WA, in the sum of \$4,651,000. Re: Oust Motion to Convert Case to Ch
7, Docket #44 and Joinder therein Docket #212, filed 2/11/2002, as Docket #512,
Case No. 01-06073-W11, USBC-ED-WA;
- 6 u. (1) NOTICE of Separation Contract & Dissolution of Marriage Contract Pursuant to
7 RCW 26.09.070 filed 7-26-01 as Document #4613783 with the County Recorder for
8 Spokane County, Washington, (pages 1 of 29 to 29 of 29); (2) JOINT Petition for
9 Dissolution of Marriage, filed 7-26-01 in Case No. 01-301586-7 (pages 2 of 29 to 5
10 of 29); 3) SEPARATION Contract and Dissolution of Marriage Contract Pursuant to
11 RCW 26.09.070, filed 7-26-01 in Case No. 01-301586-7, (pages 6 of 29 to 29 of 29),
12 filed 2/6/2002, as Docket #505, Case No. 01-06073-W11, USBC-ED-WA;
13 ~~Case #505 was entered in 2003 in Spokane County Superior Court~~
~~Case #505 was entered in 2003 in Spokane County Superior Court~~, except those portions of the decree that were entered in violation
of law, and in violation of the Complainant's civil and constitutional rights, as a
parent.

AUTHENTICATION & REGISTRATION OF JUDGMENTS

I, DUNCAN J. MCNEIL III, AM THE LAWFUL OWNER
OF THE FOREGOING LISTED "FOREIGN JUDGMENTS"
AND I HEREBY CERTIFY THAT TRUE AND CORRECT
COPIES OF THESE "FOREIGN JUDGMENTS" ARE ON
FILE IN THE IDENTIFIED ACTIONS AND DOCKET #S
AND THAT THESE "FOREIGN JUDGMENTS" ARE
OFFICIALLY PUBLISHED ON THE COURT'S "PACER"
SYSTEM, PURSUANT TO FRCP 44(q)(1) AND FRC
RULE 201(b)(2) AND ARE THE "OFFICIAL PUBLICATIONS
THEREOF". BY THIS MOTION/PETITION/APPLICATION
I REQUEST THAT THE CLERK OF THIS COURT
PRINT, FILE AND REGISTER THESE "FOREIGN
JUDGMENTS" FROM THE COURT'S "PACER" SYSTEM
AND THAT THESE "FOREIGN JUDGMENTS" BE
GRANTED FULL FAITH & CREDIT IN THIS COURT
PURSUANT TO 28 USC § 1963, 28 USC § 1738 AND
U.S. CONST. ART. IV § 1 (AND THE APPLICABLE STATE
LAW/JAO). I DECARE THE FOREGOING TO BE TRUE
AND CORRECT UNDER THE PENALTY OF PERJURY.
DATED: 1/13/06 SJM

28 JUDGMENT DIRECTOR

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JUL 24 2004 REC

Duncan T. McVee
Spokane Co. Jail
1100 W. Marion
Spokane, WA 99260

Clerk
U.S. District Court
844 King Street
Lock Box 8
Wilmette, IL 60013-3570

PG 430843

Legal Mail

X
MSG

OCT 12 2006

DUNCAN T. MUNIZ
SPOKANE CO. TAX
1100 W. MAIN
SPOKANE, WA 99260



U.S.M.
U.S. DISTRICT
LOCK BOX 27
844 KIRK STREET
WENatchee, WA 98801

Local Mail